

REMARKS

Claims remaining in the present application are Claims 1-20. Claims 1, 5, 12, 14, 15, 16, 17 and 20 have been amended. No new matter has been added as a result of these amendments.

IN THE FIGURES

Figure 4 is objected to because it contains shaded areas 222 and 224 and it is unclear whether there is any text in the shaded areas. Figure 4 has been corrected to show no text in the shaded areas. Attached herewith is a replacement sheet for Figure 4.

Figure 5 is objected to because it contains text in shaded areas 222 and 224 in which the text is not readable. Figure 5 has been corrected to present the text contained within the shaded areas in a readable form. Attached herewith is a replacement sheet for Figure 5.

CLAIM OBJECTIONS

Claim 13 is objected to because of the following informalities: "a1)" on lines 3 of the claim should be deleted because there is only one step, and "a1)" indicates more than one step. Applicants respectfully traverse for the following reasons.

Currently amended Claim 12, from which Claim 13 depends, recites "a) receiving said digital storage media, said step a) performed by a media receiving apparatus, said media receiving apparatus communicatively coupled to said digital terminal device."

Claim 13 recites "a1) inserting said digital storage media into said media receiving apparatus."

Applicants assert that a multi-step process for accessing data on a digital storage media exists in the instant specification. Applicants assert that Claim 13 recites one of the steps in the multi-step process. Claim 13 recites inserting the digital storage media into the media receiving apparatus. Claim 12 recites the media receiving apparatus receiving the digital storage media, enabling access to the data contained within the digital storage media. Applicants further assert that without insertion of the digital storage media, receiving is not enabled, and therefore access to the data is not enabled.

Thus, because Claim 13 is an additional step in the process as claimed in Claim 12. Applicants respectfully request the claim objection to Claim 13 be withdrawn and that Claim 13 be allowed.

Claim 14 is objected to because of the following informalities: "a2)" on line 3 of the claim should be deleted because there is only one step, and "a2)" indicates more than one step. Applicants respectfully traverse for the following reasons.

Currently amended Claim 12, from which Claim 14 depends recites "a) accessing said data contained within said digital storage media, said step a) performed by an accessing mechanism coupled to said media receiving apparatus."

Currently amended Claim 14 recites "a2) applying power to the digital terminal device such that said digital terminal device is thereby turned on, once said digital storage media is received by said media receiving apparatus."

Applicants assert that a multi-step process for accessing data on a digital storage media exists in the instant specification. Applicants assert that Claim 14 recites one of

the steps in the multi-step process. Claim 14 recites applying power to the digital terminal device once the digital storage media has been received by the media receiving apparatus. Claim 12 recites receiving the media receiving apparatus and accessing the data on the digital storage media. Applicants assert that until power is applied to the digital terminal device, accessing of data on the digital storage media is not enabled.

Thus, Applicants assert that because Claim 14 is an additional step in the process as claimed in Claim 12, Applicants respectfully request that the objection to currently amended Claim 14 be withdrawn and that currently amended Claim 14 be allowed.

Claim 15 is objected to because of the following informalities: "b1) " on line 3 of the claim should be deleted because there is only one step, and "b1" indicates more than one step.

Further, Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim.

Applicants assert currently amended Claim 15 recites "disposing instructions within programmable non-volatile memory coupled to said digital terminal device for controlling said accessing of said data contained within said digital storage media, said data containing said alternative application software program to be used by said digital terminal device."

Currently amended Claim 15 requires disposing instructions within a programmable non-volatile memory coupled to a digital terminal device for controlling the accessing of data contained on a digital storage media.

Applicants assert that currently amended Claim 15 recites an additional step and that the "b1)" is a valid step. Applicants further assert that currently amended Claim 15 further limits the subject matter of the previous claim. Applicants additionally assert that the objections to Claim 15 have been overcome. Thus, Applicants respectfully request that the informality objection and the objection under 37 CFR 1.75(c) be withdrawn and that currently amended Claim 15 be allowed.

Claim 16 is objected to for the following informalities: "wherein step c)" on line 1 of the claim should be "wherein step b)". Applicants have amended Claim 16 to correct the informality. Applicants respectfully thank Examiner for pointing out the informality and the correction required. Applicants assert that currently amended Claim 16 overcomes the objection, and respectfully requests allowance of Claim 16.

Claim 17 is objected to because of the following informalities: "c1) " on line 3 of the claim should be deleted because there is only one step, and "c1" indicates more than one step.

Further, Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim.

Applicants assert currently amended Claim 17 recites "c1) invoking said data containing said alternative application software."

Currently amended Claim 17 requires invoking the data containing the alternative application software such that the alternative application software is substituted for the default application software in the digital terminal device.

Applicants assert that currently amended Claim 17 recites an additional step and that the "c1)" is a valid step. Applicants further assert that currently amended Claim 17 further limits the subject matter of the previous claim. Applicants additionally assert that the objections to Claim 17 have been overcome. Thus, Applicants respectfully request that the informality objection and the objection under 37 CFR 1.75(c) be withdrawn and that currently amended Claim 17 be allowed.

Claim 20 is objected to for the following informalities: "be written" on line 3 of the claim should be "to be written."

Claim 20 has been amended to correct the informality. As such, Applicants respectfully request the objection to Claim 20 be withdrawn and that Claim 20 be allowed.

CLAIM REJECTIONS

35 U.S.C. 112

The rejection states that Claims 9 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

The rejection states that Claim 9 recites the limitation "said configured in said digital terminal device" in line 5 of the claim. The rejection states that there is insufficient

antecedent basis for this limitation in the claim. Applicants respectfully traverse for the following rationale.

Applicants assert that the rejection of Claim 9 fails to include line 4 with line 5 of the claim which together recite, in part, "instead of said default application program said configured in said digital terminal device." Further, Claim 5, from which Claim 9 depends, recites in the preamble (commencing on line 2 of the Claim) "wherein said digital terminal device is configured with a default application program."

Applicant asserts that Claim 9 has sufficient antecedent basis for the limitation of the claim and that Claim 9 is not indefinite and as such overcomes the rejection under 35 U.S.C. 112. Applicants respectfully request allowance of Claim 9.

The rejection states that Claim 18 recites the limitation "said configured in said digital terminal device" in line 6 of the claim. The rejection states that there is insufficient antecedent basis for this limitation in the claim. Applicants respectfully traverse for the following rationale.

Applicants assert that the rejection of Claim 18 fails to include line 5 with line 6 of the claim which together recite "instead of said default application program said configured in said digital terminal device." Further, Claim 12, from which Claim 18 depends, recites in the preamble (commencing on line 1 of the Claim) "wherein said digital terminal device is a set top box configured with a default application program."

Applicants assert that Claim 18 has sufficient antecedent basis for the limitation of the claim and that Claim 18 is not indefinite and as such overcomes the rejection under 35 U.S.C. 112. Applicants respectfully request allowance of Claim 18.

35 U.S.C. 102(b)

The rejection states that Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McClellan, U. S. Patent Number 5,619,250. The rejection is respectfully traversed and Applicants submit that Claims 1-20 are not anticipated by McClellan, for the reasons below.

Currently amended Claim 1 recites:

A media receiving system communicatively coupled to a digital terminal device, wherein said digital terminal device is a set top box configured with a default application program, said media receiving system comprising:

- a media receiving apparatus coupled to said media receiving system which receives digital storage media, wherein said digital storage media is a memory stick;
- a media accessing mechanism coupled to said media receiving apparatus for accessing data contained within said digital storage media, once said digital storage media has been received by said media receiving apparatus;
- a relaying component coupled to said media receiving apparatus that relays said data contained within said digital storage media to said digital terminal device; and
- wherein said data is an alternative software application disposed in the root directory of said digital storage media, said alternative software application for assuming operational control of said digital terminal device.

Claim 1 recites "said data is an alternative software application disposed in the root directory of said digital storage media, said alternative software application for assuming operational control of said digital terminal device."

McClellan, as understood by Applicants, may suggest a set top box with an improved operating system for system upgrades in real time (Column 3, lines 63-64). Applicants further understand McClellan to suggest a set top box requesting a download of necessary modules from the interactive television system in which the upgrade is performed without interaction from the user (Column 4, lines 42-45 and lines 47-49). McClellan, as further understood by Applicants, may suggest a PCMCIA card

slot and interface for using a PCMCIA card for additional applications and/or modules used in conjunction with the operating system of the set top box (Column 7, lines 62-64). Applicants also understand McClellan to suggest a CPU for dictating the interaction between the PCMCIA and the set top box in which the CPU is disposed (Column 9, lines 35-45).

However, as understood by Applicants, McClellan does describe or suggest an “alternative software application for assuming operational control of said digital terminal device” as claimed. Thus, McClellan does not suggest or describe an alternative application for controlling operation of the set top box. Conversely, McClellan, as understood by Applicants, describes the CPU controlling the manner in which the set top box interacts with additional applications and/or modules that may be contained within a PCMCIA card. Thus, McClellan fails to teach the limitation of “alternative software application for assuming operational control of said digital terminal device” as recited.

Continuing, McClellan does not suggest or describe an “alternative software application disposed in the root directory of said digital storage media,” as claimed. While McClellan, as understood by Applicant, may describe additional applications and/or modules disposed on a PCMCIA card, McClellan does not teach an “alternative software application disposed in the root directory of said digital storage media” as recited.

For the above rationale, Applicants assert that McClellan does not teach or suggest all the limitations of Claim 1. Applicants respectfully assert that Claim 1 is not anticipated by McClellan and is therefore allowable. As such, Applicants earnestly request allowance of Claim 1.

Additionally, Claims 2-4 depend from Claim 1, which is believed to be allowable. Thus, it is respectfully submitted that Claims 2-4 are not anticipated by McClellan. As such, allowance of Claims 2-4 is respectfully solicited.

Claim 5

Currently amended Claim 5 recites:

A media receiving apparatus communicatively coupled to a digital terminal device, wherein said digital terminal device is a set top box configured with a default application program, said media receiving apparatus comprising:

an opening in said media receiving apparatus adapted to enable said media receiving apparatus to receive media;

a receiving mechanism coupled to said media receiving apparatus, said receiving mechanism adapted to receive said media, wherein said media is digital storage media;

an accessing mechanism coupled to said receiving mechanism, said accessing mechanism adapted to access data contained within said digital storage media, once said media has been received; and

a relaying component coupled to said media receiving apparatus, said relaying component adapted to relay said accessed received data to said digital terminal device, wherein said data is an alternative application software program to be used by said digital terminal device as a substitute for said default application, said data disposed in the root directory of said digital storage device.

Claim 5 recites "wherein said data is an alternative application software program to be used by said digital terminal device as a substitute for said default application, said data disposed in the root directory of said digital storage device."

McClellan, as understood by Applicants, may suggest a set top box with an improved operating system for system upgrades in real time (Column 3, lines 63-64). Applicants further understand McClellan to suggest a set top box requesting a download of necessary modules from the interactive television system in which the upgrade is performed without interaction from the user (Column 4, lines 42-45 and lines 47-49). McClellan, as further understood by Applicants, may suggest a PCMCIA card

slot and interface for using a PCMCIA card for additional applications and/or modules used in conjunction with the operating system of the set top box (Column 7, lines 62-64). Applicants also understand McClellan to suggest a CPU for dictating the interaction between the PCMCIA and the set top box in which the CPU is disposed (Column 9, lines 35-45).

McClellan, as understood by Applicants, does not suggest or describe an “alternative application software program to be used by said digital terminal device as a substitute for said default application” as claimed. McClellan may suggest a PCMCIA card having additional modules and/or applications. McClellan may also suggest the additional modules and/or applications for use in conjunction with the operating system in the set top box. However, McClellan, as understood by Applicant, does not teach “said alternative application software program to be used by said digital terminal device as a substitute for said default application,” as recited.

Additionally, McClellan does not suggest or describe “said data disposed in the root directory of said digital storage media,” as claimed. While McClellan, as understood by Applicant, may describe additional applications and/or modules disposed on a PCMCIA card, McClellan does not teach “said data disposed in the root directory of said digital storage media” as recited.

For the above rationale, Applicants assert that McClellan does not teach or suggest all the limitations of Claim 5. Applicants respectfully assert that Claim 5 is not anticipated by McClellan and is therefore allowable. As such, Applicants earnestly request allowance of Claim 5.

Claims 6-11 depend from Claim 5, which is believed to be allowable for the aforementioned rationale. As such, it is respectfully submitted that Claims 6-11 are not anticipated by McClellan. Allowance of Claims 6-11 is respectfully solicited.

Claim 12

Currently amended Claim 12 recites:

In a digital terminal device, wherein said digital terminal device is a set top box configured with a default application program, a method for accessing and utilizing data contained within digital storage media, wherein said digital storage media is a memory stick, said method comprising the steps of:

- a) receiving said digital storage media, said step a) performed by a media receiving apparatus, said media receiving apparatus communicatively coupled to said digital terminal device; and
- b) accessing said data contained within said digital storage media, said step b) performed by an accessing mechanism coupled to said media receiving apparatus; and
- c) relaying said data to said digital terminal device, said step c) performed by a relaying mechanism coupled to said media receiving apparatus, wherein said data is an alternative application software program to be a substitute for said default application program of said digital terminal device, said data disposed in the root directory of said digital storage media.

Claim 12 recites "wherein said data is an alternative application software program to be a substitute for said default application program of said digital terminal device, said data disposed in the root directory of said digital storage media."

McClellan, as understood by Applicants, may suggest a set top box with an improved operating system for system upgrades in real time (Column 3, lines 63-64). Applicants further understand McClellan to suggest a set top box requesting a download of necessary modules from the interactive television system in which the upgrade is performed without interaction from the user (Column 4, lines 42-45 and lines 47-49). McClellan, as further understood by Applicants, may suggest a PCMCIA card slot and interface for using a PCMCIA card for additional applications and/or modules used in conjunction with the operating system of the set top box (Column 7, lines 62-

64). Applicants also understand McClellan to suggest a CPU for dictating the interaction between the PCMCIA and the set top box in which the CPU is disposed (Column 9, lines 35-45).

McClellan, as understood by Applicants, does not suggest or describe “said data is an alternative application software program to be a substitute for said default application program of said digital terminal device,” as claimed. McClellan may suggest a PCMCIA card having additional modules and/or applications. McClellan may also suggest the additional modules and/or applications for use in conjunction with the operating system in the set top box. However, McClellan, as understood by Applicant, does not teach “said data is an alternative application software program to be a substitute for said default application program of said digital terminal device,” as recited.

Additionally, McClellan does not suggest or describe “said data disposed in the root directory of said digital storage media,” as claimed. While McClellan, as understood by Applicant, may describe additional applications and/or modules disposed on a PCMCIA card, McClellan does not teach “said data disposed in the root directory of said digital storage media” as recited.

For the above rationale, Applicants assert that McClellan does not teach or suggest all the limitations of Claim 12. Applicants respectfully assert that Claim 12 is not anticipated by McClellan and is therefore allowable. As such, Applicants earnestly request allowance of Claim 12.

Claims 13-20 depend from Claim 12, which is believed to be allowable for the aforementioned rationale. As such, it is respectfully submitted that Claims 13-20 are not anticipated by McClellan. Allowance of Claims 13-20 is respectfully solicited.


CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-20 overcome the rejections of record and, therefore, allowance of Claims 1-20 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Dated: 6/29, 2004

Respectfully submitted,
WAGNER, MURABITO & HAO LLP


Anthony C. Murabito
Registration No. 35,295

Address: WAGNER, MURABITO, & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113
Telephone: (408) 938-9060 Voice
(408) 938-9069 Facsimile



Replacement Sheet

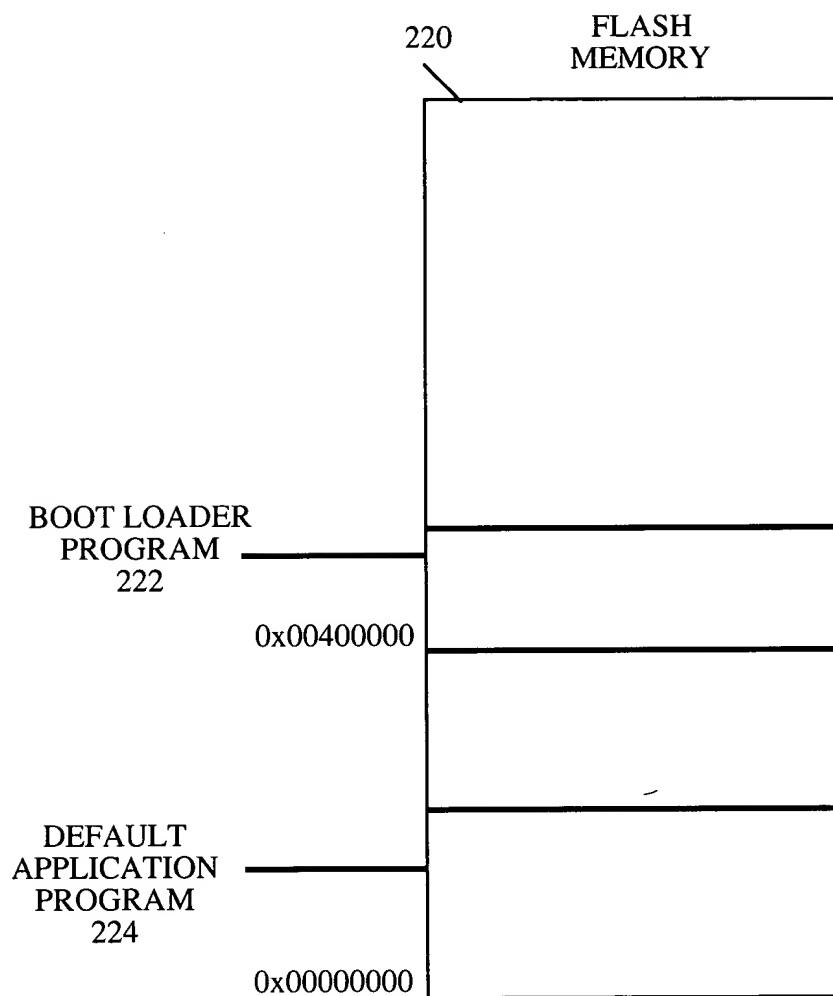


FIGURE 4

Replacement Sheet

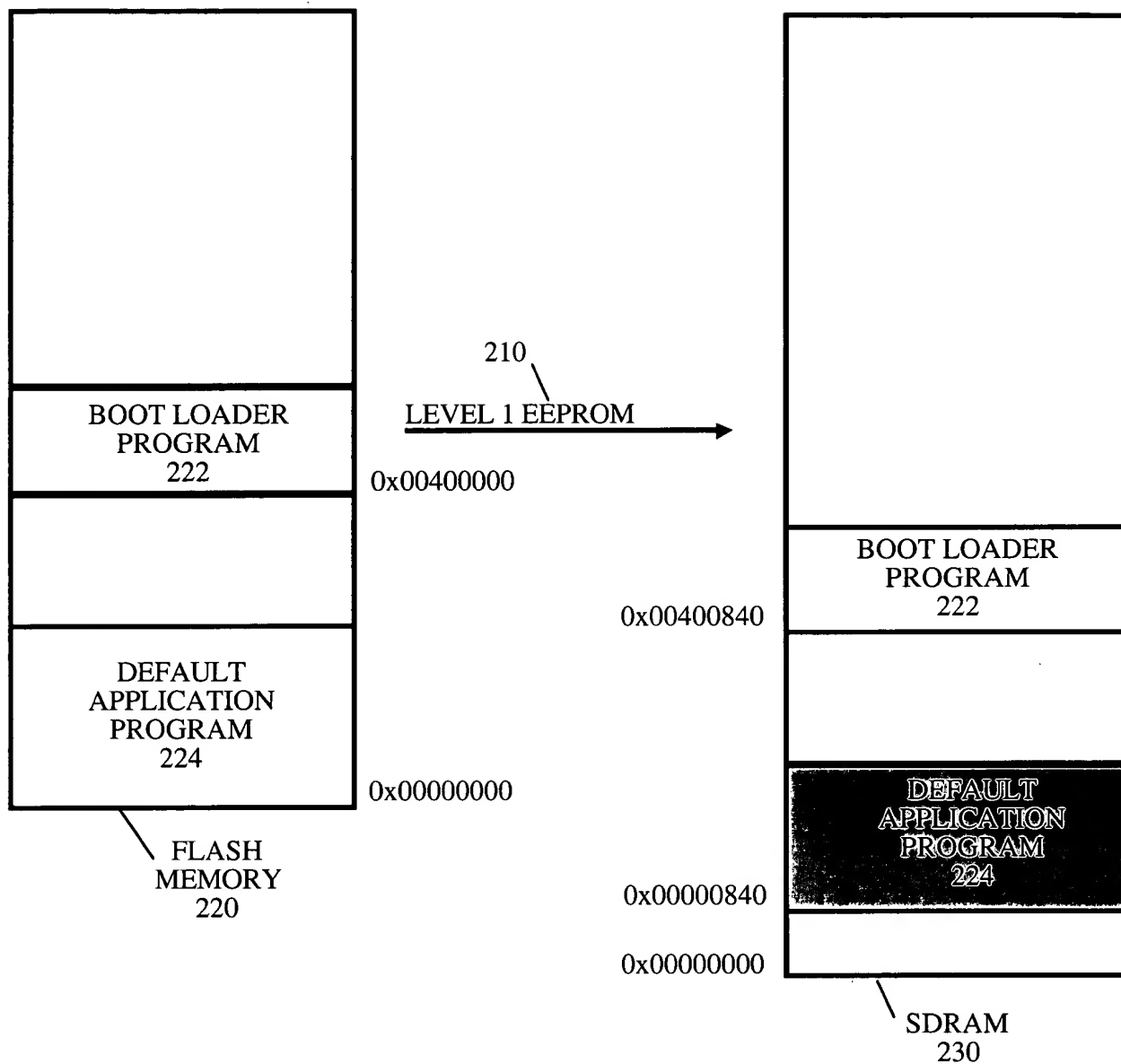


FIGURE 5

